

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

No. 1:20-cr-183

vs.

Hon. Robert J. Jonker  
Chief United States District Judge

ADAM DEAN FOX,  
BARRY GORDON CROFT, JR.,  
DANIEL JOSEPH HARRIS,  
KALEB JAMES FRANKS, and  
BRANDON MICHAEL-RAY CASERTA,

Defendants.

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**GOVERNMENT’S RESPONSE TO DEFENDANTS’  
MOTION FOR ENDS OF JUSTICE CONTINUANCE**

1. The government does not object to the defendants’ motion to continue trial. There is indeed voluminous evidence in this case, including many hours of audio recordings. The government is not in a position to assess whether counsel for the defendants need additional time for effective preparation, taking into account the exercise of due diligence.

2. As noted in the defendants’ certificate of concurrence, however, the government does not concur that the continuance is necessitated by government investigative or discovery practices. (*See*, R. 331: Def. Mot., ¶¶ 8-9, PageID.2019.) The defendants represent, for example, that certain media files are unaccountably “missing.” Media files 66 and 67 comprise pole camera and drone footage of the exterior of defendant Fox’s workplace. On January 25, 2021, at 2:53 p.m., the government advised Croft’s counsel that those voluminous files (which it does not intend to use at trial) are available for inspection at the U.S. Attorney’s Office. No defendant has made an appointment to view the files or raised this issue since then. Media files 71, 72 and 83

are associated with a confidential human source, and this Court has already denied the defendants' motion for early production of CHS identities. (R. 310: Order, PageID.1845.) Media files 80 and 119 were produced on May 3, 2021.

3. The government has not yet disclosed witness or exhibit lists, revealed the identity of confidential human sources, or made significant payments for witness travel or lodging. The government would therefore not be seriously prejudiced by a continuance at this time.

WHEREFORE, the government defers to the Court's appraisal of the need for continuance.

Respectfully submitted,

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Dated: September 14, 2021

/s/ Nils R. Kessler  
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